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May 24, 2000

Dockets Management Branch
US Food and Drug Administration, DHHS
Room 1-23
12420 Parklawn Drive
Rockville, MD 20857



CLAIRE BURNETT MANAGE, FOOD RESEARCH

WHITE WAVE, INC 1990 N 57TH COURT BOULD R CO 80301 cburnetts whitewave.com

**303 443 3470 x817** FAX 303 443 3952

RE: Comment on Docket Number 97P0078/CP

White Wave, Inc. is one of the leading soymilk producers in the country. We are in agreement with the Soyfoods Association of North America's (SANA) petition filed in February of 1997 (Doc. No. 97P0078/CP), for legally allowing the use of the term "Soymilk", but disagree with the compositional specifications it states for the different categories of soymilk.

Due to the recent petition filed by the National Milk Producers Federation regarding their objection to the use of the term "Soymilk", we believe that the original petition, Docket Number 97P0078/CP, will once again be reviewed and that now is the time to comment on that docket. Attached are copies of letters from dairy manufacturers that also believe that the term "Soymilk" is a fair and accurate representation of the product.

The top five producers of soymilk, collectively, manufacture approximately 40 different varieties. Based on the nutrition facts panels of these products and the recommendations for protein levels set by the SANA compositional standards only 12.5% of the current commercially available soymilk manufactured by the these top producers would fall into the "Soymilk" category, 75% would be classified as "Soymilk Drink", and the remaining 12.5% does not fit into any category presented. We believe that since 87.5% of the products available do not qualify for the "Soymilk" term, the compositional definition should be re-evaluated.

Docket Number 98P-0683, is the FDA final rule on health claims and soy. It states that if a food product contains at least 6.25 grams of soy protein per serving, the following health claim can be used on the packaging: "25 grams of soy protein a day, as part of a diet low in saturated fat and cholesterol, may reduce the risk of heart disease". When the final rule appeared in October 26, 1999, manufacturers of soy foods began formulating their products to meet the

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6.25 grams of soy protein per serving, including many existing and new soymilk manufacturers. This has become the recognized standard for soy protein content.

The standards that have been set for milk in the dairy industry are achievable and predictable because the compositional differences that occur in dairy milk are minor. The composition of soybeans vary extensively between varieties, growing conditions, growing regions, and storage conditions. Soymilk obtained as a result of the aqueous extraction of whole soybeans will not only reflect these compositional differences, but will also be enhanced by the manufacturer's processing equipment and procedures. When setting the standards for the composition of soymilk, these natural variations need to be accounted for.

Although soymilk has been in existence for hundreds, even thousands of years, in comparison to the dairy industry, the commercial production of soymilk is relatively young. Manufacturers are still learning how to meet the nutritional needs of their customers while supplying a beverage that is pleasant to drink. We are in full agreement that the term "Soymilk" is the common and usual name used for the liquid aqueous extraction of soybeans, but disagree with the compositional specifications and categories stated in Docket Number 97P0078/CP. These compositional standards were written in 1996 and need to be re-evaluated with today's market in mind. The recommended protein per serving set by Docket Number 98P-0683 has become the recent standard and this protein content would allow for a more balanced number of current commercially available soymilk products to qualify to officially use the term "Soymilk".

Sincerely,

Claire Burnett White Wave, Inc.

Clani Runutt

R&D Manager



P.O. BOX 306 LANCIS & KENYON AVENUES ROSENHAYN, NEW JERSEY 08352 858/451-1300

March 9, 2000

Or. Christine Lewis
Acting Director
Office of Nutritional Products
Labeling, and Dietary Supplements

Ms. Virginia Wilkening
Director
Division of Standards and Labeling Regulations
Food and Drug Administration
Washington, DC

Dear Dr Lawis and Ms. Wilkening:

I am writing to you today to voice an dairy industry opinion regarding the National Milk Producers Federation's (NMPF) petition to the FDA regarding their objection to the use of the term 'Soymilk'.

Our company is calebrating our 67th year in the dairy business. In light of the recent consolidation in our industry, we are some unique in that we are a third generation family owned and operated business. We are the last independently held dairy company producing fluid milk in New Jersey. Our business currently consists of producing fluid milk, milk products, and creams, ice cream mixes and other dairy and non-dairy based products. These are sold to supermarkets, quick service restaurants, other dairy companies, convenience stores, food service distributors and the like. Our products are currently distributed in over 20 states.

We believe that the term "Soymilk" is one that accurately describes the product that is being produced. It is widely recognized in our industry as the commonly used name for natural beverages made out of soybeans, water and other vegetable based ingredients for a number of years.

We have not found this term to be misleading to anyone in our industry or our customers in the distribution and retail supermarket trades. To date will



Dr. Christine Lawls Ms. Virginia Wilkening March 9, 2000 Page 2 of 2

have not received any complaints or comments from our customers and consumers regarding this issue.

It industry discussion with suppliers, packaging companies, marketing firms, etc, Soymilk is the generic term used for this product.

We currently produce both dairy and non-dairy products including soymilk in our opinion, the use of the terms soymilk is not misleading at all to the consumer. In fact, we believe that accurately represents that the product that is being sold.

We disagree with the NMPF and their opinion on the use of scymilk and do not feel that this opinion represents the antire dairy industry. Only a portion of the supply chain is represented by NMPF. AS a processor and marketing of these products, we see things differently than the milk producers on this topic.

On behalf of our family and our company, I appreciate your time in considering our opinion as you decide the merits of this petition and other regarding soymilk.

If you have any question or would like additional information, please do not hesitate to contact me. I can be reached at 856-451-1300 ext. 3316 or on e-mail at coatalana@cumberlanddairy.com.

Sincerely yours,

Carmine C. Catalana

President

Cumberland Dairy, Inc.

CCC:mpm



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TO:

Dr. Christine Lewis

Acting Director of the Office of Nutritional Products, Labeling, and Dietary Supplements Virginia Wilkening

Director of the Division of Standards and Labeling Regulations

From:

John H. Warner Jr.

Western Quality Foods, LC.

St. George, UT

Re: 'National Milk Producers Federation' Objection to Use of the Term Soymilk

Date: March 8, 2000

I would like to voice an industry opinion regarding the NMPF's petition to the FDA regarding objection to the use of the term 'Soymilk'.

As a dairy foods processor I would like to state that the term 'soymilk' has been widely recognized in our industry as the commonly used name for natural beverages made out of soybeans, water and other vegetable based ingredients for a number of years. We recognize this term to be accurately descriptive, meaningful and widely understood as the term used for natural, non-dairy products made from soybeans. We have not found this term to be misleading to ourselves or to our customers in the distribution and retail supermarket trades. We have not received any complaints from customers or consumers regarding this issue. In fact, when discussed the term 'soymilk' is most often if not always the generic term used in conversation or written reference to this product category.

We are not in agreement with the NMPF's objection to the use of this term.

I appreciate your consideration of this statement in evaluating the merit of the petition in front of the FDA.

Warne J

Respectfully

John H. Warner Jr.

President



March 8, 2000

Dr. Christine Lewis
Acting Director of the Office of Nutritional
Products, Labeling & Dietary Supplements

Virginia Wilkening Director of the Division of Standards & Labeling Regulations

RE: 'National Milk Producers Federation' Objection to Use of the Term Soymilk

I would like to voice an industry opinion regarding the NMPF's petition to the FDA regarding objection to the use of the term 'Soymilk'.

As a dairy foods processor, Dean Foods Company would like to state that the term 'soymilk' has been widely recognized in our industry as the commonly used name for natural beverages made out of soybeans, water and other vegetable based ingredients for a number of years. We recognize this term to be accurately descriptive, meaningful and widely understood as the term used for natural, non-dairy products made from soybeans. We have not found this term to be misleading to ourselves or our customers in the distribution and retail supermarket trades. We have not received any complaints from customers or consumers regarding this issue. In fact when discussed, the term 'soymik' is most often if not always the generic term used in conversation or written reference to this product category.

We are not in agreement with the NMPF's objection to the use of this term.

I appreciate your consideration of this statement in evaluating the meri of the petition in front of the FDA.

Respectfully,

George Muck, Ph.D.

Vice President, Research & Development

ye Mack's

DEAN FOODS COMPANY

GM/jlh

pc: D. Purcell

Claire Burnett

WHITE WAVE, INC

1990 N 57TH COURT BOULDER COLORADO 80301





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